

Application No. 10/662,150
Amendment Dated July 3, 2005
Reply to Office Action dated Jan. 3, 2005

REMARKS

Applicants acknowledge receipt of the official action mailed January 3, 2005, setting a shortened statutory period for reply expiring April 3, 2005. The statutory six-month deadline for the reply was set to expire on Sunday, July 3, 2005. This reply is being mailed to the Patent Office on Tuesday, July 5, 2005, the first business day following the due date and the National July 4th holiday.

Attached is a petition requesting a three month extension of time beyond the three-month shortened statutory period for the response set in the official action. The requisite fee for the extension has been submitted. Granting of the petition is respectfully requested.

The application originally contained claims 1-36, all which stand rejected in the official action of January 3, 2005. The drawing figures and the specification have also been objected to because they fail to show or properly disclose the claimed subject matter.

Claims 1-5, 7-12, 14-18, 21, 23, 25-27, 32 and 34-35 have been amended. The drawing figure and the detailed description of the invention have also been amended as set out above. No new matter has been added. Accordingly, claims 1-36 remain in the application.

In light of the amendments and remarks presented herein, reconsideration of the application is requested. For the sake or order, the remarks will be presented in substantially the same order to follow the objections raised in the official action.

DRAWINGS

The drawings were objected to because they failed to show or make reference to elements described in the specification. The examiner contends that the ends 44, the panels 46 and file hanger channels or rims described on page 10 of the typewritten specification

Application No. 10/662,150
Amendment Dated July 3, 2005
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must be shown in the drawing figures. The drawings figures have been amended to add the reference numerals originally set out in the specification but not shown in the illustrations.

The drawings were objected also objected to because the allegedly failed to show ever feature of the invention specified in the claims. The drawing figures have been amended as illustrated by the annotations accompanying this response. Moreover this issue has also been addressed by amending certain of the claims to make the claim language consistent with the content of the drawing figures.

Corrected drawing sheets are attached to this response in accordance with 37 CFR § 1.121(d). In light of the above, applicants respectfully submit the drawing figures are now fully compliant with the requisites of MPEP § 608.02(d) and 37 CFR § 1.83(a). Reconsideration is requested.

SPECIFICATION

The specification has been objected to on grounds it failed to provide proper antecedent basis for subject matter claimed in the application. Applicants have submitted amendments to the specification adding reference numerals for structure described but not referenced in the drawing figures. Additionally the specification has been amended to include antecedents for terms appearing in the claims but not exactly used in the specification. Reconsideration is requested.

REJECTIONS UNDER § 112, 1ST PARAGRAPH

Claims 1-15 stand rejected under 35 U.S.C. § 112, 1st paragraph on grounds they fail to provide proper support for elements in the claims. The substrate as originally claimed was generally referred to in the application as the floor 14 shown in Fig. 1, and specifically mentioned in paragraph [0028] of the published specification. Additional substrate were

Application No. 10/662,150
Amendment Dated July 3, 2005
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also described in that same paragraph by association. The examiner is specifically referred to paragraph [0028] where it is described that the console may be mounted to the floor or "another location in the vehicle such as suspended from the ceiling or roof of the vehicle with minor modification to the orientation of some of the structure". The specification has been amended in this paragraph to add the literal term "substrate 14" and equate that term to the floor, ceiling or other fixed structure within the vehicle.

REJECTIONS UNDER § 112, 2ND PARAGRAPH

Claim 1-15, 23 and 31 are rejected on grounds they fail to particularly point out and distinctly claim the subject matter of the invention. Applicants respectfully traverse the rejection in light of the amendments made to the claims above. However for the purposes of avoiding any adverse inference that the amendments were made to narrow the claims, applicants elect to provide an explanation for the amendments below.

Claim 1 as amended makes reference to a base tray assembly now identified by reference numeral 18, at least a first and a second upright support assembly identified by reference numeral 22 spaced from each other and attached to said base tray assembly in a first configuration and removed from said base tray assembly in a second configuration. Claim 1 also includes reference to a plurality of storage modules identified by reference numeral 20. Each of the storage modules are claimed as being detachably mounted to one of the base tray assembly and one of the first and second upright support assemblies 22 in one of a plurality of configurations determined by the user for providing a personalized storage solution. Claim 11 likewise has been amended to refer to the kit with language similar to that appearing in claim 1. Moreover, both claims 1 and 11 have been amended to further include language of similar import to that appearing in original claim 31 which was

Application No. 10/662,150
Amendment Dated July 3, 2005
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originally objected to by the examiner, but determined to be allowable if rewritten in independent form to include the limitations of any rejected base claim and any intervening claims.

Claims 7, 11, 14 and 21 are contended to be vague because they contain the term "adapted" without referent to structure or means for the function. Claims 7, 11, 14 and 21 have been amended to remove reference to the term "adapted" and phrased in a manner to provide clear relationships or structure between the claimed elements.

Claim 23 has been amended to delete reference to any "general storage compartment." In fact, specific references to the type of storage compartment have been removed as it is deemed inherent that storage compartments may be used for different purposes.

Claim 31 has been amended to indicate that the relative components are interconnected, thereby providing a structural reference for the functional language.

REJECTIONS UNDER § 102

Claims 1, 3-9, 11, 13-16, and 18-24 stand rejected on grounds they are literally anticipated by, and read upon the structures disclosed in Fluharty et al. Applicant respectfully disagrees with the basis for the rejection, particularly in light of the substantial amendments introduced above to comply with 35 U.S.C. § 112.

United States Patent No. 5,085,481 to Fluharty et al. for a console literally discloses an open framework 20 used to support components. The framework 20 disclosed is a fixed curvilinear framework which is not intended nor designed to be detachable and reconfigured. Rather the reconfiguration is provided by adapting the components 44, 46 to fit the specific space requirements set by the framework 20. A careful reading of the

Application No. 10/662,150
Amendment Dated July 3, 2005
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detailed description reveals that Fluharty et al does not anticipate nor suggest that the rails 28 and 30 as well as the cross members 32 and 33 of the framework 20 be detached from the base portion 21. Accordingly, since all of the independent claims call for or otherwise claim a console where the component structures may be detached and reconfigured as desired by the user, Fluharty et al does not anticipate the invention as described by the claims. Reconsideration is requested.

REJECTIONS UNDER § 103

Claims 2, 9-10, 12, 17, 25-26, 27-30, and 32-36 have been rejected as obvious over Fluharty et al. alone, or when taken in view of Ling or McNew. Applicant respectfully disagrees with the basis of the rejection. Reconsideration is respectfully requested.

Fluharty et al. fails to even suggest that the console in the '481 patent have structural components detachably coupled from the base so the user can reconfigure the console to a predetermined configuration. Rather Fluharty et al. provide a cohesive or fixed framework. The only flexibility disclosed is the use of different components 44 or 46 to be received within fixed dimensions provided by the frame. In the instant invention, not only can different modules be attached, but the framework may also be entirely changed in order to conform to a user's requirements. Since the components 44 and 46 in Fluharty et al. are only adapted to fit within specific regions of the framework, there is no motivation to provide reconfiguration in the Fluharty framework to provide multiple configurations.

Ling does not provide any discussion or suggestion that a vehicle console be reconfigurable into any one of a number of forms. Rather, extent to which Ling is applicable is on the use of a power cord for interconnected the console to a power outlet of the vehicle. This feature is not claimed until in a dependent claim. Accordingly applicants

Application No. 10/662,150
Amendment Dated July 3, 2005
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contend that Ling is not applicable given that the scope and content of the prior art suggests unitary framework and applicants' invention suggest reconfigurable framework.

The examiner has also cited McNew to be used in combination with Fluharty et al. as a basis for rendering claim 27 of the application obvious. Applicant respectfully disagrees on grounds that like Ling, McNew is only useful for the purpose of disclosing a specific function of the invention as claimed by applicant. McNew fails to offer any discussion whatsoever on a filing cabinet for use in a vehicle that may be reconfigurable for some other purpose. Because the scope and content of the McNew reference fails to add any substance to the scope and content of the Fluharty et al. reference on the issue of reconfigurable frameworks and compartments, applicant respectfully requests reconsideration of the claims.

ALLOWABLE SUBJECT MATTER

The examiner has indicated that the subject matter of claim 31 would be allowable if rewritten to overcome the § 112 reasons for rejection, and to include the content of any rejected base claim and any intervening claims. As briefly mentioned earlier, each of the independent claims of the application have been amended to include reference to the fact that the base tray assembly, the upright support members or framework, and the modules mounted thereon are all detachably coupled and can be reconfigured to suit a users particular need. Since this was the functional aspect of claim 31 as originally presented, applicants submit that the incorporation of similar language into each of the independent claims complies with the examiner's indication.

CONCLUSION

Applicant note with appreciation the citation of the additional art not relied upon, yet considered pertinent to the invention. As for the instant response, applicants have amended

Application No. 10/662,150
Amendment Dated July 3, 2005
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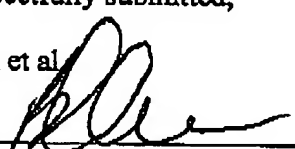
the drawing figures to include reference numerals to structure described in the specification and claimed, but not earlier pointed out clearly for the examiner. Likewise, the specification has been amended to provide consistent usage of terminology, or to provide at least a reference point for alternate uses of terms appearing in the claims. To the extent that structure was claimed but not described in the specification, the specification has been amended to include that structure in its rudimentary form so that recitation in the claims is supported.

Regarding the substantive reasons for rejecting the application, applicants believe that they have presented clear and convincing rational why Fluharty et al. does not literally anticipate each and every element of the invention as defined in the claims. Moreover, applicants also believe that they have provided clear rebuttal of any reasoning why the claims would have been obvious to anyone of ordinary skill in the art when considering Fluharty et al. with Ling or McNew. For these reasons, applicants respectfully submit that the application is substantially in condition for allowance, and that they look forward to receipt of notice to that effect from the examiner.

Respectfully submitted,

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